REMARKS

Restriction has been required under U.S.C. 121 and 372 to one of the following inventions:

Group I, claims 1-8, drawn to a compound of formula I wherein R2 is a substituted phenyl or pyridine, a process for preparing said compound, a pharmaceutical composition comprising said compound, a pharmaceutical combination comprising said compound, and a method for preventing or treating disorders mediated by interactions between chemokine receptors and their ligands, classified in class 546, subclass 186.

Group II, claims 1-8, drawn to a compound of formula I wherein R2 is an optionally substituted bicyclic heteroaromatic ring wherein both rings of the bicyclic system are six-membered, a process for preparing said compound, a pharmaceutical composition comprising said compound, a pharmaceutical combination comprising said compound, and a method for preventing or treating disorders mediated by interactions between chemokine receptors and their ligands, classified in class 546, subclass 196.

Group III, claims 1-8, drawn to a compound of formula I wherein R2 is an optionally substituted bicyclic fully aromatic carbocycle, a process for preparing said compound, a pharmaceutical composition comprising said compound, a pharmaceutical combination comprising said compound, and a method for preventing or treating disorders mediated by interactions between chemokine receptors and their ligands, classified in class 546, subclass 195.

Group IV, claims 1-8, drawn to a compound of formula I wherein R2 is indolyl, a process for preparing said compound, a pharmaceutical composition comprising said compound, a pharmaceutical combination comprising said compound, and a method for preventing or treating disorders mediated by interactions between chemokine receptors and their ligands, classified in class 546, subclass 201.

Group V, claims 1-8, drawn to a compound of formula I wherein R2 is a substituted pyrazole, a process for preparing said compound, a pharmaceutical composition comprising said compound, a pharmaceutical combination comprising said compound, and a method for preventing or treating disorders mediated by interactions between chemokine receptors and their ligands, classified in class 546, subclass 187.

Group VI, claims 1-8, drawn to a compound of formula I wherein R2 is an optionally substituted pyrimidine, a process for preparing said compound, a pharmaceutical composition comprising said compound, a pharmaceutical combination comprising said compound, and a method for preventing or treating disorders mediated by interactions between chemokine receptors and their ligands, classified in class 546, subclass 187.

Applicants elect Group I, claims 1-8, with traverse.

As pointed out in the Office Action, Annex B of the PCT rules sets forth how unity of invention is to be determined for Markush-type claims. For Markush-type claims, unity of invention exists where: (A) all alternatives have a common property or activity; and (B) a common structure is present. All of the compounds of the pending claims clearly meet (A) in that the Specification teaches that these compounds share a common property or activity, i.e., they are all useful as CCR5 inhibitors, e.g., in the prevention or treatment of disorders mediated by interactions between chemokine receptors and their ligands. The claimed compounds of Applicants' formula I also clearly meet (B), i.e., they all share a common structure which is a large portion of the overall structure. This common structure is the non-varying portion of formula I, i.e., the bi-cyclic piperidine structure, further requiring a methyl and a keto group, as well as, an additional N atom.

The Examiner states that a particular prior art reference anticipates the compounds of Group I; however, it is submitted that this is not relevant to a restriction requirement. Applicants have met the unity of invention requirement for the full scope of the pending claims. If the Examiner believes that the generic compound is anticipated by prior art, then an appropriate rejection should be made, not a restriction requirement.

It is submitted that Applicants' specification and claims are in proper form. It is respectfully requested that the restriction requirement be withdrawn and the pending claims 1-8 be examined on the merit.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080

Thomas R. Savitsky
Attorney for Applicants
Reg. No. 31,661
(862) 778-7909

Date: August 22, 2006